

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 17-71578-PMB
	:	
C&L DELLA VALLE XXVI, LLC,	:	CHAPTER 7
	:	
Debtor.	:	
	:	

**NOTICE OF HEARING ON MOTION FOR ORDER AUTHORIZING SETTLEMENT
BETWEEN TRUSTEE AND DR. DANIEL E. MCBRAYER UNDER RULE 9019 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

PLEASE TAKE NOTICE that on August 14, 2018, S. Gregory Hays, as Chapter 7 Trustee (“**Trustee**”) for the bankruptcy estate (the “**Bankruptcy Estate**”) of C&L Della Valle XXVI, LLC (“**Debtor**”), filed his *Motion for Order Authorizing Settlement Between Trustee and Dr. Daniel E. McBrayer under Rule 9019 of the Federal Rules of Bankruptcy Procedure* [Doc. No. 63] (the “**Settlement Approval Motion**”).

In the Settlement Approval Motion, Trustee requests an order from the Court approving a settlement (the “**Settlement Agreement**”) between Trustee and Dr. Daniel E. McBrayer (“**Dr. McBrayer**”) wherein, *inter alia*,¹ Dr. McBrayer’s proof of claim [Claim No. 3] (the “**McBrayer Claim**”) shall be allowed as a non-priority, general unsecured claim in the reduced amount of \$20,000.00² without the need for Dr. McBrayer to file an

¹ The following is a summary of the Settlement Approval Motion and the Settlement Agreement and is not intended to be comprehensive. To the extent that anything in this summary is contrary to the relief sought in the Motion or the terms of the Settlement Agreement, the request sought in the Motion and the terms of the Settlement Agreement shall control.

² Dr. McBrayer originally filed the McBrayer Claim [Claim No. 3] in the amount of \$109,000.00 as a non-priority, general unsecured claim.

amendment to the McBrayer Claim. In addition, Trustee, on the one hand, and Dr. McBrayer, on the other hand, provide one another broad and general releases.

The exact terms of the Settlement Agreement are set forth in Exhibit “A” to the Settlement Approval Motion. The Settlement Approval Motion is available for review in the Clerk’s Office, United States Bankruptcy Court, during normal business hours or online at <http://ecf/ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users).

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Settlement Approval Motion in **Courtroom 1202**, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia at **2:00 p.m. on September 10, 2018**.

Your rights may be affected by the Court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how, and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk’s Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: August 14, 2018.

ARNALL GOLDEN GREGORY LLP
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